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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

* * * * *

11 UNITED STATES OF AMERICA,) CASE NO.: 1:20-CR-00122 JLT
12 Plaintiff,)
13 vs.)
14 JONATHAN RODRIGUEZ,) Date: February 27, 2023
15 Defendant.) Time: 10:00 a.m.
) HON. JENNIFER THURSTON
) Dept: 4

**TO PHILIP TALBERT, UNITED STATES ATTORNEY AND BRIAN ENOS,
ASSISTANT UNITED STATES ATTORNEY:**

18 Jonathan Rodriguez submits this Sentencing Memorandum in tandem with his Formal
19 Objections in an effort to “flesh out” the many “3353(a) factors” present in his life not adequately
20 addressed in his “Objections” and the PSR, and which he wishes to elaborate on. And, we think it
21 noteworthy/significant that Jonathan’s performance on Pretrial Release has been flawless since his
22 release on August 6, 2020, some two and ½ years ago.

23 As set forth in the PSR, paragraph 67, Jonathan has accomplished much in his Public Safety
24 Career that has spanned the past (almost) 20 years. The certificates and credentials listed represent
25 enumerable hours spent (at his own financial expense), and once having completed these courses,
26 Jonathan has used these skills in his community in his fields of “emergency service” -
27 EMS/Ambulance, firefighting, search and rescue, and emergency management. Exhibit A.

28 His efforts have been recognized and rewarded by his peers, employers and local, state and

1 tribal governments. He was named the “Volunteer Rescuer of the Year” in 2011 for the Tuolumne
2 County Sheriff’s Search & Rescue Team; the “Volunteer Firefighter of the Year” in 2019 with the
3 Tuolumne Fire District, the “Outstanding Citizen Award” in 2014, with the Tuolumne County
4 Sheriff’s Office, and a California Governors Office of Emergency Services Commendation in 2013.

5 Jonathan has described to counsel in handwritten “stories”, personal recollections of dozens
6 of accounts of examples of incidents he was involved in where he was tasked with rescuing and/or
7 saving individuals from harm’s way, and even death. He did this to provide counsel, and the court,
8 with an understanding of what exactly he was asked to do countless times in his community of
9 Tuolumne County. He would get calls at all hours of the night and day, from law enforcement
10 agencies seeking his expertise and assistance, as he was a “team leader” proficient in mapping, GPS
11 and incident management. It was not unusual for Jonathan to find himself searching for someone
12 in remote wilderness locations, where it would seem like trying to find a “needle in a haystack”.

13 We believe these substantial public service accomplishments - along with his lack of criminal
14 record, and his life history as set forth in paragraph 55 of the PSR describing a difficult childhood
15 consisting of neglect, emotional abuse, physical abuse, and most importantly, long term sexual abuse
16 by a family member (beginning at age 9) - represent significant factors in mitigation pursuant to 18
17 U.S.C. § 3553 (a).

18 The following section sets forth “bullet points”, representing a small sampling of the
19 thousands of emergencies Jonathan has responded to over his public safety career.

20 **I.**

21 **SUMMARY OF JONATHAN’S ACCOMPLISHMENTS**

22 - During his time as a GIS (geographic information systems) Specialist for Tribal
23 Government, with a focus on Emergency Management and Public Safety mapping, including for the
24 Tuolumne Band of Me Wuk Indians, Jonathan designed and implemented “map books” that aided
25 Native American tribes throughout the State of California during wildfire season. In 2018, Jonathan
26 took part in emergency response planning and execution at a concert venue on tribal land, including
27 an actual bomb threat. (Exhibit B). Jonathan also responded to calls as an EMT or as a member of
28

1 tribal law enforcement for trespassing, domestic assault, theft, drug and alcohol intoxication, child
2 abuse, arson, and breaking and entering.

3 - Jonathan undertook work at Leland High Sierra Snow Play. This was the largest dedicated
4 snow park in the State of California. Jonathan helped treat broken bones, dislocations, head trauma,
5 and spinal injuries on a (seemingly) weekly basis. Jonathan attended to a guest who suffered a
6 massive heart attack and another guest with severe head trauma after a high speed collision. He
7 attended to other snow play guests who suffered from epileptic seizures. Jonathan also designed and
8 implemented new emergency communication and security protocols that reduced the number of
9 incidents at the snow park. Exhibit C.

10 - In 2017, Jonathan designed and implemented an “active shooter” training program for the
11 Tuolumne Band of Mi-Wuk Indians. The active shooter training program resulted in a practice drill
12 with over 275 participants including the Sheriff’s Department, Fire Department, County Office of
13 Emergency Services, and tribal agencies. (Exhibit D). Over the last 10 years, Jonathan’s emergency
14 management plans have helped the tribe safely respond to bomb threats, police standoffs, mass
15 evacuations due to natural disasters, and incidents involving hostile disgruntled employees.

16 - From 2011 - 2019 Jonathan worked in various fields of emergency response mapping,
17 including “search and rescue” mapping, tribal response mapping and fire mapping. Exhibit E.

18 - In 2010/ 2011, Jonathan took part in the successful rescue of an injured snowmobiler with
19 2 broken legs and hypothermia. The rescue required traveling 20 miles into the forest during
20 blizzard conditions to perform the rescue. An avalanche occurred during the rescue.

21 - In 2011, Jonathan took part in the rescue of a missing autistic person in difficult brush and
22 terrain. See attached “Search and Rescue Finds Missing Man.” Exhibit F.

23 - In 2011, Jonathan commanded the swift water body recovery of the son of a local fire
24 captain who had slipped into the Stanislaus River and drowned. See attached “Body of Mi Wuk Man
25 Found.” Exhibit G.

26 - In 2013, Jonathan commanded in a successful nighttime rescue of a missing diabetic elderly
27 hunter/pastor in a remote area of the national forest. The man had fallen off a rock and broken his
28 leg. His blood sugar was dangerously low at the time he was rescued. See attached “Stockton Pastor

1 Lost In Wilderness Thankful for Rescuers.” Exhibit H.

2 - In 2009 Jonathan was the flight medic on a successful search in wilderness for a missing
3 hiker. Exhibit I (a photo taken by Jonathan from the helicopter).

4 - In 2018 Jonathan developed the pandemic response plan for the Tuolumne Band of Me
5 Wuk Indians. Exhibit J.

6 - In 2012, Jonathan was crew chief on a successful swift water rescue and resuscitation of
7 a kayaker who had gone overboard and suffered a near-drowning experience in the remote Emigrant
8 Wilderness. See attached “At Death’s Door.” Exhibit K.

9 - In 2007, Jonathan took part in the search and body recovery of a missing homicide victim
10 who had been shot, placed in the back of a truck and launched 300 ft. into a canyon. See attached
11 “Wallace Man May Be Murder Victim.” Exhibit L.

12 - In 2007, Jonathan has taken part in swift water body recovery for flood and drowning
13 victims. See attached “Clarks Fork Bride Remains Still to Be Positively Identified” and “Dublin Girl
14 Remains Missing”. Exhibit M.

15 - In 2008, Jonathan searched for three (3) days in the wilderness in a body recovery of a hiker
16 who got lost and froze to death during a surprise snow and ice storm. See attached “Hillsborough
17 Hiker Found Dead in Sierra Nevada.” Exhibit N.

18 - In 2008, Jonathan helped successfully rescue a man who had fallen down a mine shaft near
19 Sonora. And in 2010, Jonathan was called to search and rescue the same man in what was later
20 determined to be a homicide. See attached "Rescuers Scramble to Free Sonora man Who Fell Into
21 a Mine Shaft" and "Remains Id'd as Darvis Lee Jr." Exhibit O.

22 - From 2011 - 2012 Jonathan, as a search and rescue team leader, developed numerous
23 countywide policies and procedures for improving countywide emergency response. Exhibit P.

24 - In 2009, Jonathan undertook specialized volunteer work to raise and train a bloodhound
25 puppy named Belle for search and rescue work. See attached “Blue Bell’s Photos.” Exhibit Q.

26 - Jonathan worked as a volunteer in the command staff for 2 weeks doing 14 – 16-hour shifts
27 for search and rescue operations during the Rim fire incident. See attached “Sheriff Recognizes
28 Outstanding Achievements.” Exhibit R.

1 - Starting in 2009 Jonathan designed and implanted a standardized training program for the
2 Tuolumne County Sheriff's Department Search and Rescue Team, including the sole authorship of
3 a 180 page training manual to replace a 50 page manual from the 1970's. Exhibit S.

4 - Jonathan was hired as a teaching assistant and a tutor at the local community college for
5 classes involving emergency response, and "search and rescue". In this capacity, Jonathan created
6 the evacuation maps for the 2013 Rim fire that helped plan the safe evacuation of ¼ of the county
7 residents. Exhibit T.

8 - In 2014, Jonathan commanded the search for his professor's ex-wife who had gone missing
9 under suspicious/criminal circumstances using the mapping technology the professor had taught him
10 (for two years), but in new ways over the course of weeks of searching . Exhibit U.

11 - In 2013, Jonathan took part in a helicopter rescue of and stranded hunter suffering from heat
12 exhaustion and altitude sickness.

13 - Jonathan took part in the response to a 76-year-old near-fatal stroke victim. The 911 call
14 was misreported as a slip and fall.

15 - Jonathan commanded the rescue of a missing family that was lost in the Stanislaus
16 Mountains in 2014. The search and rescue happened close to midnight. All family members were
17 found by the search and rescue team within about 15 minutes.

18 - In 2010/2011, Jonathan was a snowmobile rescuer in the successful rescue of a family that
19 had gotten "stranded" in a remote mountain area of Tuolumne County with a blizzard moving in.

20 - In 2010, Jonathan took part in the successful rescue of a missing 7 – 8-year-old boy in the
21 remote Emigrant Wilderness. The rescue was performed with search and rescue dogs.

22 - Jonathan took part in the successful rescue and resuscitation of an elderly grandmother in
23 full cardiac arrest.

24 - In 2019, Jonathan took part in the successful rescue of a man who had been shot multiple
25 times when he stumbled onto an illegal marijuana grow in the forest. During the rescue Jonathan
26 took part in a second incident at the scene of a motor vehicle collision.

27 - Jonathan has been a regular volunteer at his church since childhood. He was also a
28 volunteer at a veterinary hospital for 2 and ½ years during high school.

1 - In 2008, Jonathan was assigned to a “cold case” search team to look for a woman who had
2 been missing in Yosemite for 8 years.

3 - In 2011, Jonathan took part in the successful helicopter rescue of a missing hiker in Amador
4 County in a remote mountain area.

5 - In 2010, Jonathan took part in the successful rescue of a missing hunter in Calaveras
6 County.

7 -In 2008, Jonathan took part in the successful recovery of a woman suffering from a mental
8 health crisis who had walked away during a heavy rainstorm. Jonathan also helped successfully
9 rescue a missing elderly hiker in a remote area of Mono County.

10 - In 2011, Jonathan was the flight medic on the successful helicopter rescue of a snowmobile
11 rider who had rolled their machine and had serious life-threatening leg injuries.

12 - In 2009, Jonathan took part in a successful helicopter search/recovery of a missing hiker
13 in the Emigrant Wilderness.

- In 2012, Jonathan helped successfully rescue two missing cross-country skiers.

15 -In 2015, Jonathan designed evacuation and rescue maps for the Butte fire incident.

16 - In 2014, Jonathan took part in the successful rescue of two backpackers who had gone
17 missing during a sudden snowstorm.

II.

JONATHAN'S RECOGNITIONS & AWARDS

- Governor's Office of Emergency Services Commendation – Exceptional Service during the Rim Fire Incident (2013).

22 - Tuolumne County Sheriff's Department - Unit Citation for the Rim Fire Incident (2013).

23 - Tuolumne County Sheriff's Department Search and Rescue – Volunteer Rescuer of the Year
24 (2011).

- Tuolumne County Sheriff's Department Search and Rescue – Service Beyond the Call of Duty (2009).

- Tuolumne County Sheriff's Department Search and Rescue – Recognition of Five Years of Service (2011).

1 - Tuolumne County Sheriff's Department - Outstanding Citizen Award (2014).

2 - Tuolumne County Sheriff's Department – Certificate of Participation in Cops and Kids Fair

3 (2008).

4 - Tuolumne Band of Me Wuk Indians – Certificate of Appreciation as an Outstanding

5 Employee (2018).

6 - Tuolumne Fire District - Volunteer Firefighter of the Year (2019).

III.

EDUCATION, TRAINING, AND PROFESSIONAL LICENSES/CERTIFICATIONS

- Columbia College – Yosemite Community College District – Associate of Science in Computer Geographic Information Systems (2013)
- Columbia College – Yosemite Community College District – Micro-Credential for Geographic Information Systems in Emergency Response (2014)
- Columbia College – Yosemite Community College District – Micro-Credential for Geographic Information Systems - Geospatial (2014)
- Columbia College – Yosemite Community College District – Micro-Credential for Geographic Information Systems - Geodatabase (2014)
- Columbia College – Yosemite Community College District – Certificate of Completion in Business Administration (2014)
- Columbia College – Yosemite Community College District – First Responder and Professional Rescuer Training Program (2001)
- Columbia College – Yosemite Community College District – EMT Training Program (2001)
- Tuolumne County Fire Department – Completion of 160-Hour Volunteer Academy (2018)
- California Specialized Training Institute – Hazardous Materials and First Responder Operations (2018)
- Rescue 3 International – Swift Water Rescue Technician (2007)
- Rescue 3 International – Advanced Swift Water Rescue Technician (2010)
- Fire Service Training and Education Program - River and Flood Water Rescue (2013)

- 1 · Specialized Rescue – Rope Rescue Technician Level I and Level II (2014)
- 2 · Specialized Rescue – Surface Ice Rescue Technician Level I and Level II (2014)
- 3 · California State Fire Training – Low Angle Rescue (2002)
- 4 · State of California - EMT Certification (2002)
- 5 · Tuolumne County Fire Department – Confined Space Awareness (2018)
- 6 · Tuolumne County EMS - EMT Certification (2002)
- 7 · Tuolumne County Sheriff's Department Search and Rescue – Helicopter Crew Member
8 (2010)
- 9 · National Association for Search and Rescue – Certificate of Completion for “Managing a
10 Lost Person Incident” Training Course (2011)
- 11 · US Department of Homeland Security - Certificate of Completion for “Teen CERT Train
12 the Trainer” Program (2010)
- 13 · California Emergency Management Agency, Law Enforcement Division – Certificate of
14 Completion for “Direction and Control of the Search Function, Search management Course”
15 (2011)
- 16 · Security Training Center, LLC – 8-hour training on “Power to Arrest”
- 17 · Federal Communication Commission – Amateur Radio Operator License (2014)
- 18 · Department of Consumer Affairs – Security Guard Registration (2021)
- 19 · Department of Consumer Affairs – Security Guard Baton Permit (2021)
- 20 · Sintex Security Services Inc. – Tear Gas Certificate
- 21 · Sintex Security Services Inc. – Chemical Agent Training (2018)
- 22 · Sintex Security Services Inc. – Baton Training (2018)
- 23 · Weapons Training School, LLC – CCW Certification Course (2014)
- 24 · Weapons Training School, LLC – Advanced CCW Certification Course (2016)
- 25 · John Popke’s Defense Solution – Knife Fighting and Defense Training (2019)
- 26 · FEMA Emergency Management Institute – Certificate of Achievement “Animals in
27 Disaster, Awareness, and Preparedness” (2008)
- 28 · FEMA Emergency Management Institute – Certificate of Achievement “Animals in

1 || Disaster, Community Planning" (2008)

2 · FEMA Emergency Management Institute – Certificate of Achievement “Introduction to
3 Incident Command System” (2006)

4 · FEMA Emergency Management Institute – Certificate of Achievement “Geospatial
5 Information System Specialist” (2013)

6 · FEMA Emergency Management Institute – Certificate of Achievement “ICS for Single
7 Resources and Initial Action Incidents” (2006)

8 · FEMA Emergency Management Institute – Certificate of Achievement “Fundamentals of
9 Emergency Management” (2014)

- FEMA Emergency Management Institute – Certificate of Achievement “Emergency

- FEMA Emergency Management Institute – Certificate of Achievement “Leadership and Influence” (2014)

14 · FEMA Emergency Management Institute – Certificate of Achievement “Decision Making
15 and Problem Solving” (2014)

16 · FEMA Emergency Management Institute – Certificate of Achievement “National Incident
17 Management System – an Introduction” (2006)

18 · FEMA Emergency Management Institute – Certificate of Achievement “National Response
19 Framework – an Introduction” (2010)

20 · FEMA Emergency Management Institute – Certificate of Achievement “Emergency
21 Support Function - Emergency Management” (2012)

22 · FEMA Emergency Management Institute – Certificate of Achievement “Emergency
23 Support Function – Search and Rescue” (2010)

24 · FEMA Emergency Management Institute – Certificate of Achievement “Active Shooter –
25 What You Can Do” (2011)

26 · FEMA Emergency Management Institute – Certificate of Achievement “Application of GIS
27 for Emergency Management” (2012)

28 · Department of Homeland Security Office for Bombing Prevention – Certificate of

1 Completion “Bomb Threat Preparedness and Response” training (2019)
2 Note; Jonathan refers the Court to Attachment 7 (Document 49-7), to the Presentence
3 Investigation Report (Final) filed on December 22, 2022, and submits Exhibit V, consisting of
4 additional documentation of education, training, certificates, recognition and awards.

5 **IV.**

6 **JONATHAN WAS ROLE PLAYING**

7 As to his conduct with respect to his Discord chat, subject of a 5 level enhancement pursuant
8 to 2G2.2(b)(3)(C), Jonathan states in his letter to the court that he was “role playing” in acting out
9 an on line fantasy with an anonymous person on line he (incorrectly) assumed was an adult, “role
10 playing” as a 12 year old girl. As explained in his letter, he would on occasion, engage in a “fantasy
11 world” he “built” to deal with his pain, where he would engage in cybersex, roleplay, and age-play
12 with others online, as he was intrigued to create a faux online identity. He would sometimes identify
13 as a middle-age male and other times adopted the role of a teenage girl. Hence, his (mistaken) belief
14 he was “chatting” with an adult, role playing as a 12 year old. Jonathan denies ever knowingly
15 engaging a minor online, but recognizes he should have known that in this instance, she was.

16 **CONCLUSION**

17 As can be seen, Jonathan has done much in his life to better his community in Tuolumne
18 County, both as a paid professional and as an unpaid professional, where he continually put himself
19 in harm’s way to save others. He did so at great risk to himself and his personal safety. He did so
20 because that was his job. A job he loved, because he loved being the “solution”. He also loved
21 being in nature (even under the harshest conditions). He loved jumping out of helicopters (as part
22 of the “Air Operations Team”), kayaking in freezing roaring rivers (as part of the “Swiftwater
23 Team”), traveling over back country on an ATV (as part of the “Off Highway Vehicle Team”) while
24 braving the elements of heat, cold, rain and snow; all to help total strangers. Exhibit W.

25 In this capacity Jonathan has recovered too many bodies to remember - burned bodies,
26 drowned/water logged bodies, severely decomposed bodies, and bodies bleached beyond recognition
27 by the sun. Bodies of all ages, old and young, male and female. People in his line of work talk about
28 “rescuer wellness”, and there are classes on it, dealing with coping with the horrors faced in “search

1 and rescue”/“emergency services”. Sometimes Jonathan would teach the class, and sometimes he
2 would take the class, yet, unfortunately, he still deals with the trauma and horrors he has seen,
3 experiencing reoccurring nightmares and progressive changes in personality.

4 Given a lifetime of positive deeds and personal sacrifice in a very physically and emotionally
5 challenging area of public safety, request is made for the court to both acknowledge Jonathan's
6 significant accomplishments, and to provide him with some consideration and measure of leniency
7 at sentencing in attempting to "level" the scales with the many "positives" of his life, to counter the
8 many "negatives" of his case. As has been shown, Jonathan has taken part in many commendable
9 acts of selfless bravery to aid others in their time of need. These laudable acts are worthy of a
10 downward variance and departure.

11 Given the many mitigating circumstances and characteristics unique to Jonathan, we believe
12 these “3553(a)” factors make this a case “outside the “heartland”, which warrants a sentence outside
13 the applicable guidelines range, which Jonathan submits is “135 - 168 months” (i.e., Level 33).

14 Because this case is “atypical” for the various reasons noted above, and in his Formal
15 Objections, we believe a guideline departure and variance to 120 months is appropriate.

16 || Dated: February 13, 2023 Respectfully submitted,

/s/ Harry M. Drandell
HARRY M. DRANDELL
Attorney for Defendant
JONATHAN RODRIGUEZ